

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

BIDZIRK, LLC, DANIEL G. SCHMIDT, )  
III, and JILL PATTERSON, )

Plaintiffs, )

v. )

PHILIP J. SMITH, )

Defendant. )

Civil Action No. 6:06-CV-00109-HMH

NOTICE TO TAKE DEPOSITION

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To: Philip J. Smith  
601 Cleveland Street  
Apartment 5-C  
Greenville, South Carolina 29601

YOU ARE HEREBY NOTIFIED that, pursuant to Fed. R. Civ. P. 30, on September 14, 2006, commencing at the hour of 10:00 a.m., Plaintiff BidZirk, LLC shall procure via stenographic and videographic means the deposition of Defendant Philip J. Smith upon oral testimony at the offices of K.M. Elwell, P.C., 111 East North Street, Greenville, South Carolina 29601, before a court reporter authorized to administer oaths, for the purpose of discovery and for all other purposes permitted under the Federal Rules of Civil Procedure.

This 28<sup>th</sup> day of July, 2006.



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KEVIN M. ELWELL

K. M. ELWELL, P.C.  
111 East North Street  
Greenville, South Carolina 29601  
(864) 232-8060  
(404) 759-2124 e-facsimile  
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Attorneys for Plaintiffs BidZirk, LLC,  
Daniel G. Schmidt, III and Jill Patterson

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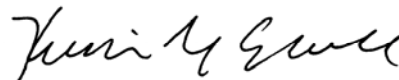
Defendant. )

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing NOTICE TO TAKE  
DEPOSITION by hand delivery to:

Mr. Philip J. Smith  
601 Cleveland Street, Apartment 5-C  
Greenville, South Carolina 29601

This 28<sup>th</sup> day of July, 2006.



KEVIN M. ELWELL

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